

e. said first half of retractable stop hinge and said second half of retractable stop hinge are joined together such that their hinge pin ports form a common hinge pin port, and a hinge pin is passed through said common hinge pin port, thereby affixing the mounting plate to said extended arm, and said mounting plate affixed to the primary tailgate;

f. said second half of retractable stop hinge has a hinge rib located thereon;

g. said first half of retractable stop hinge has a hinge rib restraint located thereon;

h. said hinge rib has a hinge rib extension located thereon;

i. said hinge rib restraint has a rib extension port located thereon, to receive said hinge rib extension, when the retractable stop hinge is extended to the open position;

j. said hinge rib extension has a plurality of primary dimple ports located thereon; and

k. said rib extension port has a plurality of primary dimples located thereon.

#### AMENDMENTS IN THE SPECIFICATION

Please amend page one, section one, entitled: CROSS-REFERENCES TO RELATED APPLICATIONS, to read as follows:

#### CROSS-REFERENCES TO RELATED APPLICATIONS

This is a Divisional Patent Application, the parent patent application being Serial Number 09/795,170 filed on February 27, 2001, and published as U.S. Patent Application No. 2002/0121794, on September 5, 2002, and issued as U.S. Patent Number 6,742, 822 (2004). The entire declaration, oath, specification, disclosure, and drawing figures, and

each of them, from said parent patent application and said issued patent are hereby incorporated herein by reference, thereto.

#### DISCUSSION OF THE AMENDMENTS IN THE DRAWING FIGURES AS REQUESTED ABOVE

A markup copy of the amended drawing figures, FIGS 26 and 27, and showing the changes set forth in the amended figures, is attached hereto as Appendix 1, thereto.

The amendments made to the drawing figures are limited to the reversal of the placement of dimples, and their mated dimple ports, discussed throughout the specification. No new subject matter has been added. Discussion of such reversed structure may be found, for example, on page 17, end of paragraph 3, page 17, end of paragraph 4, page 18, top of page, page 18, end of paragraph 1, page 21, end of first paragraph, page 24, middle of page, page 29, first paragraph, et cetera.

These amended drawing figures, FIGS 26 and 27, are submitted to overcome the Patent Examiner's objections cited on page 4, item 10 of his Office Action. The Applicant and the undersigned believe the drawing figures to now be in acceptable form.

#### DISCUSSION OF THE AMENDMENTS IN THE CLAIMS AS REQUESTED ABOVE

A markup copy of the originally filed claims showing the changes set forth in the amended claims, *infra*, is attached herein as Appendix 2, thereto.

The amendments to the claims have been made to comport with the Patent Examiner's requests and suggestion, as stated on page 4, item 7 of his Office Action, and on page 4, items 8 and 9 of his Office Action. The Applicant and the undersigned

believe the now pending claims to be in allowable form, and do respectfully request that the claims 12, 13, and 21 – 26, inclusive, be allowed.

#### DISCUSSION OF THE AMENDMENTS IN THE SPECIFICATION AS REQUESTED ABOVE

A markup copy of the originally filed page 1, which was amended to indicate the parent patent number, is attached herein, as Appendix 3, thereto.

#### ANALYSIS OF THE PRIOR ART PATENTS

United States Patent Number 5,478,130 (Matulin, 1995).

The Matulin patent ('130) relates to an auxiliary tailgate that is attached to an existing tailgate, and is comprised of a set of complicated mechanisms to achieve functionality. For example, the Matulin device ('130) utilizes two slide means to adjust the horizontal position of the auxiliary tailgate. The Applicant and the undersigned believe that the Matulin device ('130) is significantly different from the Applicant's invention.

United States Patent Number 5,775,759 (Cummins, 1998).

The Cummins patent ('759) relates to a clam-shell embodiment for an auxiliary tailgate, rather than a pull-up retractable stop, as disclosed and claimed by the Applicant. The Cummins device ('759) is significantly different from the retractable stop disclosed and claimed in the Applicant's patent application. For example, the Cummins device ('759) encloses the vertical planes of the tailgate region of the truck bed, whereas the

Applicant's Retractable Stop is less complicated than the Cummins device ('759) and encloses only the terminal end of the truck bed, along the vertical plane, and is thereby significantly different.

United States Patent Number 5,287,596 (Chen, 1994).

The Chen patent ('596) relates to a locking hinge device. The Chen device ('596) is significantly different from the locking hinge disclosed by the Applicant, and for use in his retractable stop. The Chen device ('596) is from a differing field of art, requires rotation around the central cylindrical axis to move the locking hinge into place, and then requires a second manual movement in a linear direction perpendicular to said central axis, to actually lock the hinge into place. [A reversal of the two movements unlocks and disengages the Chen device ('596).] The Applicant's improved locking hinge requires only the rotation about the central axis, to the locking position, to lock the hinge in place. [A reversal of this one movement unlocks and disengages the Applicant's invention.] Another significant distinction between the Applicant's invention and the Chen device ('596) is that the Applicant's invention is well suited for use with a retractable stop on a truck or the like. The Chen device ('596) is in a different field than the automotive or trucking field, and thereby should not be cited a prior art per se, and the Chen device ('596) has the significant disadvantage of having a large concave region, that includes the locking mechanism. This concave region would likely create major problems if the Chen device ('596) was used in the retractable stop application disclosed by the Applicant, because debris, dirt, and pebbles would soon accumulate in the concave region, and prevent its proper functioning to rotate and lock a

retractable stop into place. What's more, the aforementioned second movement required for the locking of the Chen device ('596) would be a significant inconvenience, and may also be limited by the accumulation of debris getting into the mechanism of the Chen device ('596). The Applicant and the undersigned believe that the Chen ('596) device has been distinguished from the Applicant's invention.

United States Patent Number 521,429 (Bessonette, 1894).

The Bessonette patent ('429) relates to a spring loaded locking hinge. The Bessonette device ('429) requires a lateral movement to release the spring mechanism, and then requires a second movement, being a rotation about its central axis, to set the hinge in the desired locking position. Once the hinge has been rotated to the desired position, one must release the spring mechanism to lock the hinge into position. The Applicant's hinge locking means for the Retractable Stop requires only one movement about the central axis of the hinge. The Bessonette device ('429) would not be suitable as a locking hinge for the Applicant's Retractable Stop invention because dirt and debris would likely accumulate in the opening between the spring loaded cylinder (5), and the spring loaded and toothed locking means (6). Another area in the Bessonette device ('429) where dirt and debris would likely accumulate and impede performance, would be in the open area between one of the hinge pieces (2) and the central axis (3). The Bessonette device ('429) is also in a different field than the automotive or trucking field, as was the Chen patent ('596), and thereby should not be cited a prior art per se, and the Bessonette device ('429) has the significant disadvantage of requiring multiple movements to lock the hinge, and having areas where dirt and debris may accumulate and

cause the hinge to soon cease working. The Applicant and the undersigned believe that the Bessonette device ('429) has been distinguished from the Applicant's invention.

#### CONCLUSION

The Applicant and the undersigned greatly appreciate the Patent Examiner's helpful suggestions, and particularly those suggestions as to how to bring pending claims into allowable form.

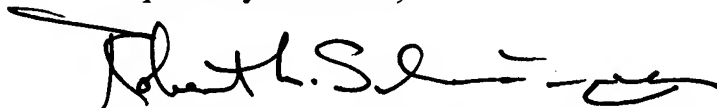
The Applicant and undersigned have made the required and requested changes, as set forth by the Patent Examiner, and now believe the patent application, with its now pending claims to be in allowable form. The Patent Examiner is respectfully requested to permit the patent application to go to Allowance.

If there are any further changes or amendments required to place this patent application in allowable form, and which may be resolved in a telephone interview, the Patent Examiner is respectfully requested to please call the undersigned.

Thank you for your time and consideration of this patent application.

Happy New Year!

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert H. Schlesinger", with a long horizontal flourish extending to the right.

Robert Schlesinger, PTO Registration Number 29,854

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